

1. Plaintiff is and was at all relevant times a resident of the City of St. Louis, State of Missouri.
2. Defendant is and was at all relevant times a corporation registered with the Missouri Secretary of State's Office and licensed to do business in the State of Missouri.
3. Upon information and belief, Defendant's corporate headquarters are located in Plano, Texas, and at all relevant times employed more than fifty (50) employees for each working day during each of the twenty (20) or more calendar weeks in each calendar year relevant hereto.

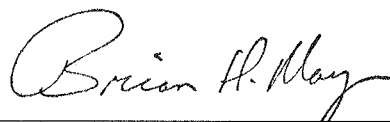
4. Defendant owns and operates nationally family and children's portrait studios and has four (4) stores in the State of Missouri.
5. Plaintiff was employed by Defendant from on or about March 21, 2000, until August 23, 2007, when she was discharged from her employment and had worked for more than 1250 hours in the twelve (12) months preceding her request for medical leave.
6. Effective June 3, 2007, Defendant placed Plaintiff on unpaid leave of absence pursuant to the Family and Medical Leave Act of 1993 ("FMLA").
7. On June 12, 2007, Plaintiff underwent surgery to cure and relieve the effects of bi-lateral hip fractures.
8. On August 20, 2007, Plaintiff returned to her position as manager of Defendant's West County Mall location in St. Louis County, Missouri, in accordance with her physician's instructions.
9. On August 23, 2007, Plaintiff was informed by two (2) of Defendant's managers that her employment had been terminated. No reason for said termination was or ever has been presented to Plaintiff.
10. Plaintiff alleges and asserts that the termination of her employment with Defendant was unlawful pursuant to Section §115 of the FMLA, codified at 29 U.S.C.A. Section §2615.
11. The termination of Plaintiff's employment was discriminatory on the basis of Plaintiff's availing herself of her protected medical leave rights under the FMLA.

**WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

1. Statutory damages in the amount of thirty-four thousand, two hundred and four dollars and zero cents (\$34, 204.00) for lost wages, benefits and other compensation, plus interest thereon at the statutory rate, pursuant to 29 U.S.C.A. Section §2617(a)(1)(A)(i) and 29 U.S.C.A. Section §2617(a)(1)(A)(ii);
2. Additional liquidated damages in the amount of the above-requested award, pursuant to 29 U.S.C.A. Section §2617(a)(1)(A)(iii);
3. Equitable relief in the form of reinstatement or frontpay, as the Court deems appropriate, pursuant to 29 U.S.C.A. Section §2617(a)(1)(B);
4. Attorneys' fees, expert witness fees and costs of this action, pursuant to 29 U.S.C.A. Section §2617(a)(3); and
5. Such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

YATES & MAY, L.C.

By: 

BRIAN H. MAY, #39694  
M. ZANE YATES, #36232  
Attorneys for Plaintiff  
7710 Carondelet, Suite 303  
St. Louis, Missouri 63105  
(314) 725-8285  
(314) 725-8201 Facsimile  
yatesandmay@yatesandmay.com